

## General Information for Defendant

If the money is owing, contact the Plaintiff and arrange payment. Otherwise, further action may be taken by the Plaintiff.

If the Defendant believes the money is *not* owing, a dispute in duplicate should be filed clearly stating a reasonable objection within ten days after a claim is served. A copy of the dispute is sent to the Plaintiff. After a dispute is received, the matter will be put before a Judge for adjudication.

## Consolidation Orders

Where a Defendant has three Small Claims Court Judgments against him or her, the Defendant may apply to the Clerk of the Court for a Consolidation Order. A Consolidation Order provides for the orderly payment of debts at a fixed weekly or monthly rate, determined after consideration of the Defendant's income and expenses. Supreme and County Court Judgments may be included.

A booklet on the Small Claims Court with step-by-step procedures is available through the Small Claims Court office in your community. The office is listed in the telephone directory under Government of Ontario.

The booklet and additional copies of this pamphlet are also available from:



Communications Office  
Ministry of the Attorney General  
18th Floor  
18 King Street East  
Toronto, Ontario  
M5C 1C5

OR

Publications Centre  
5th Floor  
880 Bay Street,  
Toronto, Ontario  
M7A 1N8



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# Small Claims Court



## A Message from the Attorney General

The Small Claims Courts are one of the most important but least-known segments of the court system in Ontario. These courts provide an easy, informal and inexpensive way of settling disputes over goods and services and provide a simple means to collect outstanding debts. The Small Claims Courts have been aptly described as the "people's courts". Recent legislation has enlarged the jurisdiction of these courts to serve even more people. Officials of the Small Claims Court in your community will be pleased to assist you in making use of this service.



R. Roy McMurtry



## Jurisdiction

Small Claims Courts can decide claims up to \$1,000.

These include disputes over the price and quality of work done or services performed; unpaid loans; recovery of goods in the possession of another person or company; some landlord and tenant matters, including arrears in rent or claims for damage to the apartment by the tenant; and negligence actions, including vehicle accident claims.

## Informality

The staff of the Courts will assist you in entering a claim. Many people conduct their cases on their own without a lawyer or with the assistance of a friend or relative. If there is a hearing of the claim, it will be conducted informally and you will have the opportunity to present your side of the case.

## To Enter a Claim

If you feel that you are entitled to a sum of money which is being withheld, a "Statement of Claim" in duplicate should be prepared. The claim can be typed or handwritten.

## Contents of Claim

The Plaintiff (the person suing) should list his or her name and address, and the name and address of Defendant (the person who owes the money) in a statement setting out clearly the reasons why the money is owing and the amount owing. The Plaintiff may also ask for prejudgment interest. This is interest on the amount due for the time the debt has been outstanding.

## What Court To Use?

You may sue in the Court in the County or Judicial District where the Defendant resides or in the place where your right to sue arose. The Court Clerk will advise you of the proper court.

## Court Costs

When a claim is entered, the Plaintiff will be required to pay a nominal fee for the services of the Clerk and Bailiff.

Fees are added to the amount of the judgment to be paid by the person found to be owing the money at the conclusion of the case.

## How a Judgment is Obtained

Your claim will be served on the Defendant by the Bailiff of the Court. The Defendant is given ten days to file a dispute to the claim. If no dispute is filed within ten days after service, the Clerk may sign a "default judgment".

However, if a dispute is received, your claim will be placed before a Judge for adjudication and you will be notified of the date of the hearing.

## Evidence

The formal rules of evidence do not apply in Small Claims Court. The Judge may admit any evidence which he thinks is relevant. The best evidence is the most direct and reliable evidence, including testimony from witnesses, letters, documents and photographs.

## After Judgment

If the Defendant does not pay his debt after a default judgment has been signed or judgment given in Court, the Plaintiff may request the Court to proceed in various ways to recover the amount of the claim and costs.

These include garnishment of the debtor's wages or bank account; seizure of personal assets of the debtor; and a judgment summons under which the debtor is brought before the Court to explain reasons for non-payment and to outline his or her financial position.

The Clerks of the Courts will explain the various procedures. However, the Clerk cannot act without specific instructions from the Plaintiff.